IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 397 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

ASHOKBHAI AMBELAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR NM KAPADIA for Petitioner

MS PAURNAMI SHETH for MR AKSHAY H MEHTA

for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 17/01/2001

ORAL JUDGEMENT

1. RULE. Ms.Paurnami Sheth for Mr.Akshay Mehta waives service of Rule for the respondent.

2. In this petition under Article 226 of the Constitution, the petitioner being the father and legal guardian of Bhavikumar Ashokbhai Patel, has prayed for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to change the birth date in the passport of the son of the petitioner, namely, Bhavikumar Ashokbhai Patel, from 31.12.1986 to 30.12.1986.

3. Earlier the petitioner's son was issued passport by the Regional Passport Officer, Ahmedabad mentioning his birth date as 31.12.1986 on the basis of the birth date mentioned in the School Leaving Certificate. It is stated that at that time the petitioner had produced the School Leaving Certificate of his son alongwith the application for obtaining passport. Now, when the petitioner got the birth certificate of his son from the Valsad Municipality, he realised that the correct birth date is 30.12.1986 and, therefore, the petitioner has made an application to the Regional Passport Officer, Ahmedabad on 16.11.2000 for correcting the birth date in the passport of his son, which is pending, and the respondent informed the petitioner that he should obtain appropriate order from the competent Court. Hence, the petitioner has filed the present petition.

4. In the facts and circumstances of the case, the petition is allowed. The respondent - Regional Passport Officer, Ahmedabad is directed to consider the petitioner's application for the change of birth date of his son in the passport on the basis of the material which may be produced before the respondent authority particularly the birth certificate issued by the Sub-Registrar (Birth and Death), Valsad Nagarpalika, which is at Annexure-D to the petition. This shall be done within one month from the date of receipt of the writ of this Court or a certified copy of this order, whichever is earlier.

5. In case the petitioner is required to apply for fresh passport, the petitioner shall comply with the requisite formalities.

6. Since the mistake is not attributable to the respondent, the petitioner shall pay the costs of this petition, which are quantified at Rs.1,500/- (rupees one thousand five hundred only), to the respondent. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

SD/-

17.01.2001 (D.H.Waghela, J.)

(KMG Thilake)